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Montana Department of LABOR & INDUSTRY

Business Standards Division

TO: Economic Affairs Interim Committee

FROM: Anna Earl, M.D., President of the Board of Medical Examiners

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The Board of Medical Examiners believes that a thorough examination of a physician applicant's credentials is necessary to protect the public. Statute makes clear that the burden of proof rests upon the applicant; the Board supports that view.

Many reasons exist to bring a physician into the workforce quickly. However, the Board's ultimate responsibility is to protect the public against unprofessional or unqualified providers. Experience shows that review of a license application—even a difficult and time-consuming non-routine application—takes far less time and expense than suspending or revoking a license.

In response to stated concerns about physician licensing time, the Board and its staff have taken steps to improve efficiency without putting the public at risk. They are:

I. PRIOR TO BUSINESS STANDARDS DIVISION RE-ORGANIZATION

- A. Steps were taken within BOME staff to insure that more staff time would be available for processing physician applications. This change significantly reduced backlogs of applications and allowed review of applications to begin faster.
- B. The Board eliminated the requirement for character references for all of its license applications. Character references had been problematic because the applicant had to solicit them and the writer had to send them to the Board. In some cases, the time taken to complete character references delayed applications for weeks. This change potentially can shave weeks off of application review. All applications available on the Board's website reflect this change.
- C. The Board granted more authority to application specialists to declare an application "routine" and thus avoid Board review. This includes exempting malpractice cases that occurred during a physician's medical education or if the physician was dismissed from the case.

- D. Application specialists may accept a signed and sealed (or notarized) verification of post-graduate education prior to a resident's graduation date. This will allow a license to be issued prior to the graduation date, thus allowing the licensee to obtain a DEA number as soon as possible. This also will allow health care facilities to begin the credentialing process and put the new graduate into the workplace faster.
- E. The Board has recognized through collaborative processes that physician applicants and potential employers were not sharing their concerns with the Board or with BSD administrators. Therefore, the Board has designated public member Carole Erickson as Board Liaison for Physician Licensing. She now is the designated contact person who can receive complaints and make inquiries to Board staff and Department licensing personnel.

II. SINCE BSD RE-ORGANIZATION

- A. The Department has added a one-page form to the physician application authorizing a third party to receive information about the status and content of a physician's license application. By submitting this form with the application, a designated person, such as a hospital staff services employee, placement firm or personal assistant, can check on the status of an application and assist the physician in submitting required information in a timely manner. The application packet on the Board's website includes this form.
- B. The Board has agreed to pay the cost of acquiring National Practitioner Data Bank reports on applicants. Currently, applicants must submit their own "self-query" to the NPDB, then wait for the report to arrive by U.S. mail, then submit the report to the Board by mail or parcel delivery. Having Department staff perform this function and having the Board pay the cost of the reports will save days, if not weeks.
- C. The Department's licensing staff will make use of other states' online license verification databases, as long as they are available and meet Montana's criteria for primary source verification. Staff also may access the American Medical Association's physician database to verify medical education and/or license status. Applicants still may wish to gather that information on their own or have it reported to the Board through services such as the Federation Credential Verification Service or VeriDoc. However, if an application is missing verifications, Department staff will be encouraged to seek that information themselves rather than require the applicant to provide it. This will avoid delays, but will require staff to spend more time seeking information. If information is not available through other online databases, the applicant will remain responsible for providing primary source verifications to the Board.
- D. The Board has assigned its Laws and Rules Committee the task of developing proposed administrative rules for an expedited licensing process for applicants whose credentials and practice history are exemplary.

- E. On Sept. 12, the Department will begin training more application specialists to handle physician applications. This will further insure that delays will not occur because one person is ill, on vacation, or accepts another position.

III. BOARD AND EXTERNAL REQUESTS CURRENTLY BEFORE THE DEPARTMENT

- A. Allow physicians to pay application fees by credit card.
- B. Allow physicians or their agents to view application progress online.
- C. Allow physicians to submit applications electronically through an online form.

The Department is working to provide these options for all license applications of all regulatory boards. However, each of these services or functions is tied in with the others and requires extensive development and implementation by BSD staff. Attempts to separate them have proven unsuccessful.

While no specific date has been set to complete this task, the Department hopes to have an online application process available for all license types—including all of those overseen by the Board of Medical Examiners—as soon as possible. The Board of Medical Examiners has asked the Department to expedite the creation of an online application process for physician licenses.

IV. BOARD PARTICIPATION WITH EXTERNAL GROUPS TO DISCUSS PHYSICIAN LICENSING

A. July 11—Meeting at Business Standards Division

Board participants: Board members Carole Erickson and Mary Anne Guggenheim, M.D., Board attorney Anne O'Leary, Board Executive Director Ian Marquand, Board staff Jerry Morse and Brad Bowers

External participants: Jean Branscum (MMA), Casey Blumenthal (MHA)

B. July 17—Meeting of the Physician Licensing Workgroup at the MMA Office

Board participants: Board members Carole Erickson and Mary Anne Guggenheim, M.D., Board attorney Anne O'Leary, Board Executive Director Ian Marquand

External participants: several hospital administrators and staff services people, leaders of MMA and MHA

C. August 23—Meeting of the Physician Licensing Workgroup at the MMA Office

Board participant: Carole Erickson

BSD participants: Jeannie Worsech, Bureau Chief of BSD Licensing Division, *ANNE O'Leary, Legal Counsel* — External Participants: *Several hospital administrators and staff services as well as leaders of MMA and MHA.*

D. Sept. 6—Special Meeting of the Board of Medical Examiners (phone conference)

Board participants: the full Board (1 absentee), Anne O'Leary, Ian Marquand

BSD participants: Jeannie Worsech

External participants: Jean Branscum